

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No 4684 of 1998
with

Special Civil Applications Nos. 4702 of 1998,
4703 of 1998, 4704 of 1998,
and 4705 of 1998.

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For Approval and Signature:

Hon'ble THE ACT.C.J. MR K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?-No.
 2. To be referred to the Reporter or not?-No.
 3. Whether Their Lordships wish to see the fair copy of the judgement?-No.
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
 5. Whether it is to be circulated to the Civil Judge?-No.

KILBURN ENGINEERING LTD.

Versus

UNION OF INDIA

Appearance:

Special Civil Application No.4684 of 1998

M/S TRIVEDI & GUPTA for Petitioners

MR JAYANT PATEL for Respondent No. 1

Special Civil Applications Nos. 4702 of 1998, 4703/98,
4704/98 and 4705/98.

Mr.P.M. Dave, Advocate, for the Petitioners.

Mr.Jayant Patel for respondent No.1.

CORAM : THE ACT.C.J. MR K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 19/06/98

ORAL JUDGEMENT: (Per K.G. Balakrishnan, C.J.)

Rule. Mr. Jayant Patel, learned Standing Counsel,
waives service thereof on behalf of the respondents.

The petitioners have filed appeals before the second respondent against the orders passed by the third respondent. The petitioners have also moved applications for stay of the impugned orders. The stay applications are not finally disposed of. The petitioners contend that during the pendency of these proceedings, the authorities are taking coercive steps to realise the amount due.

We heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

A reference was made to the order passed by this Court in Special Civil Applications Nos. 21 of 1997 and 22 of 1997 and also to a decision in DCW Ltd. v. Commissioner (Appeals) & Ors., reported in 1997(2) GLR 913. In the above decision, this Court directed the respondent Authority to dispose of the stay application within a prescribed time.

Having regard to the facts and circumstances of the cases, we direct respondent No.2 to consider the stay applications and pass appropriate orders, preferably within six weeks from the date of receipt of copy of this order. Till the stay applications are finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned orders. The Applications are disposed of accordingly. Rule is discharged subject to above directions.

Direct service is permitted.

(apj)